

REMARKS

This amendment is being filed in response to the Office Action mailed on May 2, 2007. Applicant hereby requests a three-month extension of time and encloses the corresponding fee. If any further extension or fee may be required for consideration of this amendment, such is hereby requested. Please charge any deficit or credit any surplus to Deposit Account No. 01-1960.

Claims 1, 3, 6-10, 12-13 and 15-17 were pending prior to entry of this amendment. Applicant has amended Claims 1 and 9, has cancelled Claim 10, and has added new Claims 33-34, such that Claims 1, 3, 6-9, 12-13, 15-17, 33 and 34 are now pending. Applicant respectfully requests reconsideration of the pending claims based on the above amendments and the following remarks.

Applicant has submitted minor amendments to paragraphs **[0021]**, **[0034]** and **[0037]** without adding new matter. Applicant respectfully submits that these amendments are fully supported by the first sentence of paragraph [0009] (referring to the "end side"), by the content of original figures 2-5, and by the content of Figure 8.

Scicluna and Other References

In paragraphs 1 through 4, the Office Action rejects independent Claim 1 and various dependent claims as anticipated by or as obvious over Scicluna, taken alone or in combination with other applied references. Applicant has realized, however, that Scicluna, is only contingently available as a prior art reference based on its filing date under Section 102(e) (and not under

102(b) as noted in the Office action) and Applicant's date of invention precedes Scicluna's filing date. In particular, applicant has herewith submitted a Rule 131 declaration and associated evidence to swear behind the filing date. Applicant respectfully requests that the rejections based in whole or in part on Scicluna are now moot.

Bernbaum and Godshaw

In paragraph 5, the Office Action rejects independent Claim 1 under Section 103 as obvious over Bernbaum et al. in view of Godshaw.

In this response, Applicant has carefully amended independent Claim 1 to distinguish over Bernbaum. In particular, in addition to the "first and second articulation segments," amended Claim 1 further requires:

first and second zippers associated with the first and second articulation segments, respectively;

the first zipper having separable halves connected to the bottom and middle compartments, respectively, the first zipper and first articulation segment securing the openings of the bottom and middle compartments together when the utility bag is in the vertically stacked/closed position;

the second zipper having separable halves connected to the middle and top compartments, respectively, the second zipper and second articulation segment securing the bottoms of the middle and top compartments together when the utility bag is in the vertically stacked/closed position;

Amended Claim 1 is directed to the unique arrangement of peripheral articulation segments and zippers having separable halves shared between the compartments that cooperate to close the compartments by zipping them together and to secure the bag in the stacked position:

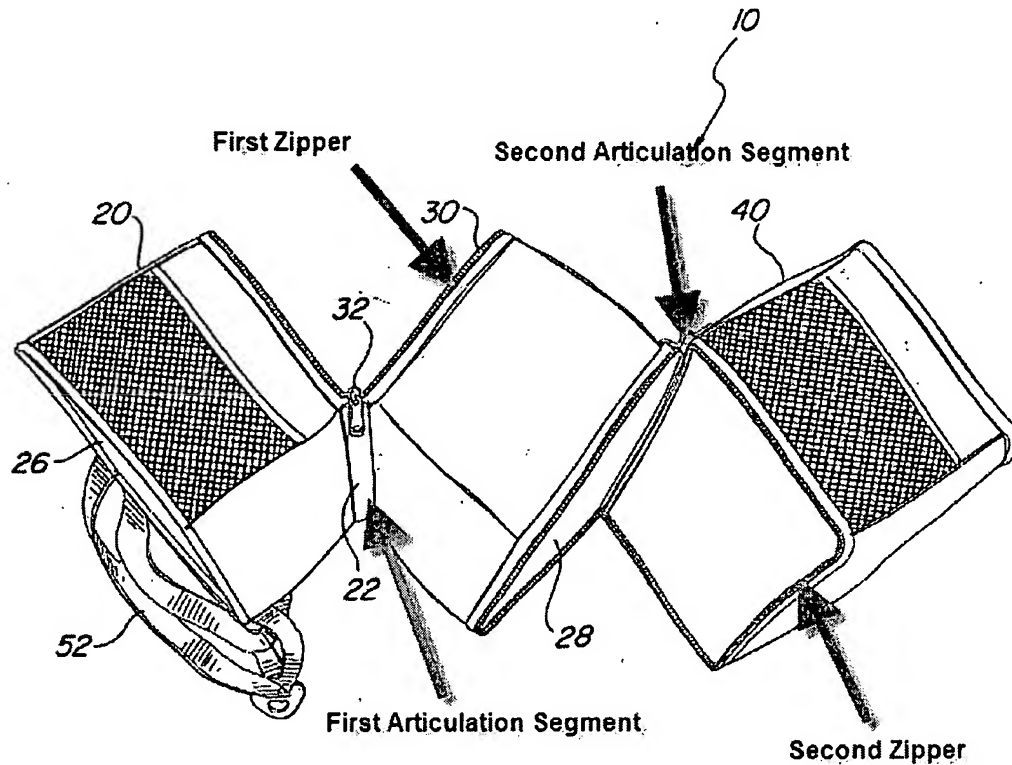
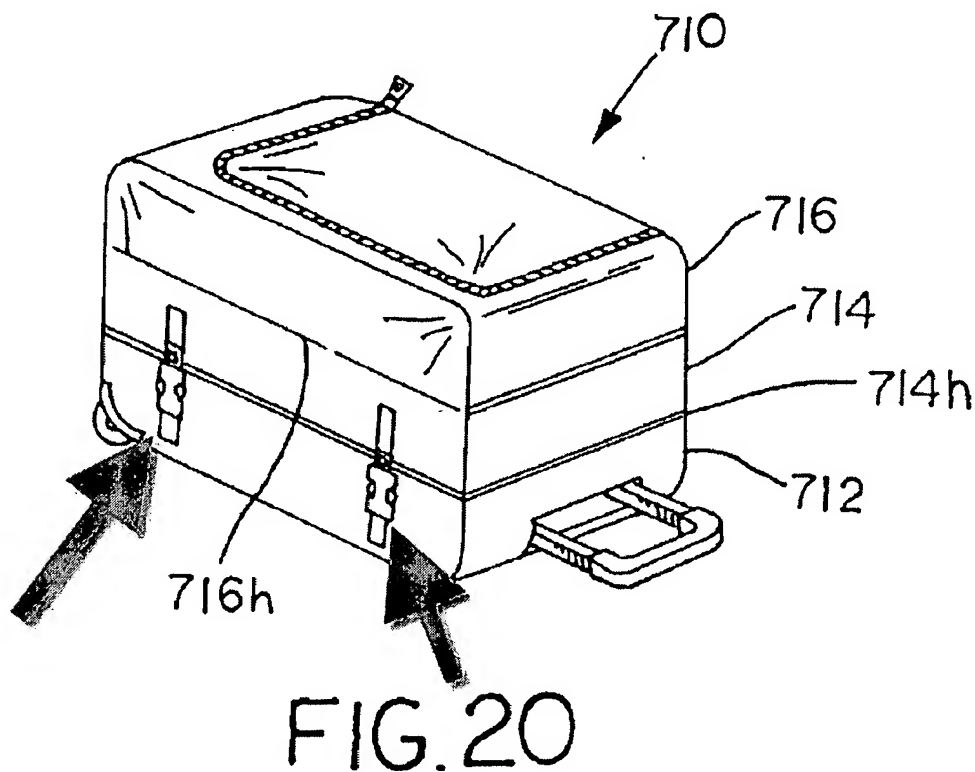
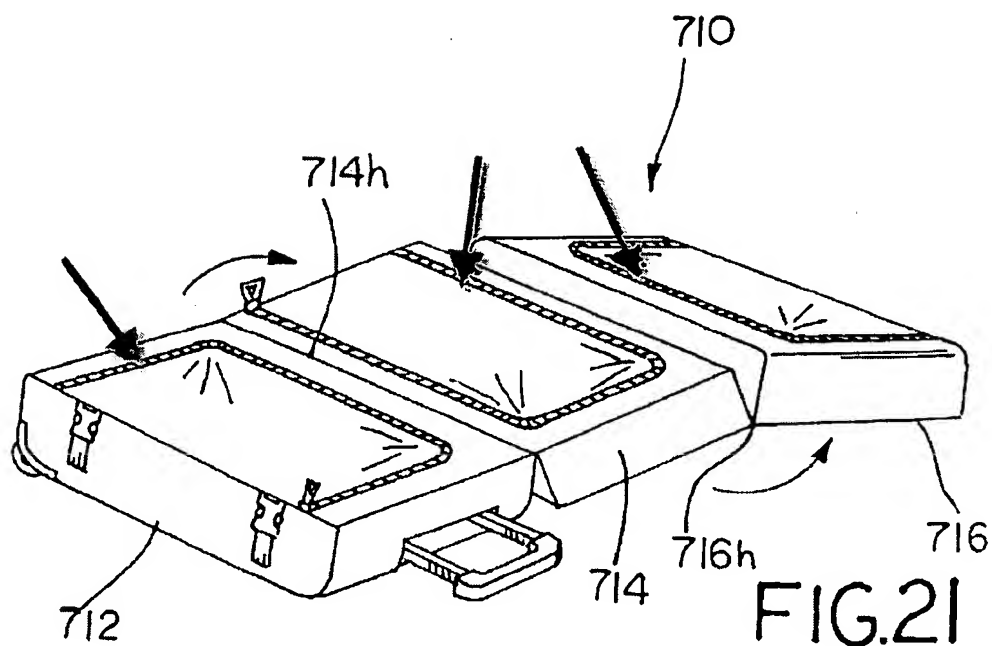


FIG. 8

The three-compartment bag shown in Bernbaum's Figure 21 discloses two "hinge lines" 714h and 716h that are arguably similar to applicant's articulation segments. However, as shown in Figure 20, Bernbaum's zippers have nothing to do with securing the compartments in the stacked position. Instead, the compartments are held together in the stacked position by separate side clips:



While Bernbaum discloses zippers, there are three of them and they are located inwardly from the periphery on each of the three panels that cover each compartment. The Bernbaum zippers do not correspond to or cooperate with articulation segments. The Bernbaum zippers have nothing to do with holding the bottom and middle compartments and the middle and top compartment in the stacked position, as required by amended Claim 1:



Based on the foregoing, Applicant respectfully submits that the unique arrangement of articulation segments and zippers specified in amended Claim 1 is allowable over any combination involving Bernbaum.

Applicant respectfully submits that the dependent claims are allowable by virtue of their dependence from allowable Claim 1 and based on the fact that they add further patentable subject matter. Claim 33, for example, specifies a particular height and width for the overall utility bag which causes the bag to be moveable from the stacked position to the open position by simply moving the top compartment sideways and downward. Contrast this with the stacked bag shown in Bernbaum's Figures 20 and 21 where the vertical height of the stacked bag is about the same as the width, making it more unwieldy to open.

Applicant has also added a new Claim 34 which is comparable to Claims 1 and 33 in combination.

Based on the above amendments and accompanying remarks, Applicant respectfully submits that Claims 1, 3, 6-9, 12-13, 15-17, 33 and 34 are in patentable condition and earnestly solicits a Notice of Allowance. Applicant encourages the Examiner to telephone the undersigned attorney if it appears that a telephone conference would further this case in any way.

Respectfully submitted,

/joseph c andras/ (signed 06/27/08)
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